

-13-

REMARKS

In response to the Office Action mailed on June 5, 2007, Applicant(s) respectfully request(s) reconsideration. Claim(s) 1, 2, 4-20, 22-40 and 42-49 are now pending in this Application. Claims 1, 14, 19, 32, 37 and 38 are independent claims and the remaining claims are dependent claims. Claims 47-49 are new. Applicant(s) believe that the claim(s) as presented are in condition for allowance. A notice to this affect is respectfully requested.

Rejections under 35 U.S.C. §103

On page 2, item 3 of the final Office Action, claims 1, 2, 4-13, 19, 20, 22-31, 37-39, 43 and 44 stand rejected under 35 U.S.C. § 103(a) as being obvious over Hemphill, U.S. Patent No. 6,167,448 in view of Connelly, U.S Patent No. 6,594,786. Hemphill discloses a management event notification system using event notification messages written using a markup language. Connelly discloses a fault tolerant high availability meter. Applicants respectfully disagree with these contentions and assert that the present claimed invention is not anticipated by any disclosure in the Hemphill and/or Connelly references.

On pages 2 and 3 of the final Office Action states that Hemphill teaches "a description of the class, and definitions of dynamic variables for each class, said dynamic variables including properties and alarm attributes (ENM 207/EAS Files 210 '...DEVICEID...DEVICENAME EVENTURL...' Col. 10 Ln. 23-67, Col. 11 Ln. 1-67)." The Applicant respectfully disagrees. Connolly does not teach dynamic variables for each class where the dynamic variables include properties and alarm attributes. While the XML ENM document (Hemphill col. 10 lines 27-47) does discuss a number of elements of an event notification message (ENM), it does not teach that the dynamic variables include properties and alarm attributes. The Office has not asserted and the Applicant has not found that Connelly teaches or suggests the feature of "definitions of dynamic variables for each class, said dynamic variables including properties and alarm attributes," as

in independent claims 1, 14, 19, 32, 37 and 38. Therefore, the combination of Hemphill and Connelly fail to teach or suggest such a feature.

As regards claim 1, on page 3 of the Office Action, it is stated that “Hemphill is silent with reference to determining if existing **event information is accessible to process the event data** ... Connolly teaches determining if existing event information is accessible to process the event data ... (i) providing an event rejection indicating **missing event information** (Col. 16 Ln. 57 – 67 ); and (ii) **receiving the missing event information** identified in the event rejection (‘...Step 188...’ Col. 17 Ln 10 – 16).” (Emphasis added) Thus, the present claims use “event information” to process “event data.” Connolly, col. 16, lines 57-67 states:

FIGS. 7E-F illustrate flowcharts of procedures performed by the HA agent 20 in response to the HA server 22 **identifying a loss of data**. It is possible that disk crashes or other catastrophic events could cause a **loss of HA Meter data** if system state is restored from backup media. The agent-server recovery protocols illustrated in FIGS. 7E-F are designed to recover lost data when possible.

Receipt by the HA server 22 of a duplicate event sequence number indicates either **the delivery of a duplicate event (possibly due to temporary loss of connectivity) or a loss of data** on the monitored system. [Emphasis added]

Thus, Connolly only discusses identifying a loss of data and the delivery of duplicate event data. Nothing as cited in Connolly states that such data is “event information” used to process “event data.”

Further, col. 17 Lines 10–16 of Connolly merely discuss the restoration of missing events, not the restoration of “event information” used to process the missing events. The Office admits that Hemphill does not teach the features of “based on the event information, determining if existing event information is accessible to process the event data and if the existing event information is not accessible: i) providing an event rejection indicating missing event information; and ii) receiving the missing event information identified in the event rejection,” as in claim 1. Claims 19, 37 and 38 teach similar features.

For at least the reason stated above, the combination of Hemphill and Connolly taken separately or in combination fail to teach or suggest the elements of independent claims 1, 19, 37 and 38 and the claims dependent therefrom.

On page 8, item 22, of the Office Action claims 14-16, 32-34 stand rejected under 35 U.S.C. §103(a) as being obvious over Zintel, U.S. Patent No. 6,779,004 in view of Hemphill. Zintel discloses auto-configuring of peripheral on host/peripheral computing platform with peer networking-to-host/peripheral adapter for peer networking connectivity. Hemphill has been discussed above. Zintel adds nothing to Hemphill with respect to the features discussed above. Therefore, for at least the reasons stated above, the combination of Zintel and Hemphill, taken separately or in combination, fails to teach or suggest the elements of claims 14 and 32 and the claims dependent therefrom.

On page 11, item 27 of the Office Action, claims 17 and 35 stand rejected under 35 U.S.C. §103(a) as being obvious over Zintel in view of Hemphill and further in view of Stupek, U.S. Patent No. 6,526,442. As discussed above, the combination of Zintel and Hemphill is deficient as to the obviousness rejection as regards independent claims 14 and 32. Therefore, as the independent claims are believed allowable, the additional features of the dependent claims are likewise believed allowable. Therefore, for at least the reasons stated above, the combination of Zintel, Hemphill and Stupek, taken separately or in combination, fails to teach or suggest the elements of claims 17 and 35.

Claims 18 and 36 were rejected under 35 U.S.C. §103(a) as being obvious over Zintel in view of Connolly and further in view of Hemphill and Connolly. As discussed above, the combination of Zintel and Hemphill is deficient as to the obviousness rejection with regards to independent claims 14 and 32. Therefore, as the independent claims are believed allowable, the additional features of the dependent claims are likewise believed allowable. Therefore, for at least the reasons stated above, the combination of Zintel, Connolly, Hemphill and Connolly, taken separately or in combination, fails to teach or suggest the elements of claims 18 and 36.

-16-

Withdrawal of the rejections is respectfully requested.

New Claims

Claims 47-49 are new. Support for Claims 47-49 found in the paragraph spanning pages 8 and 9 of the Application. The cited art fails to teach where the event information and the event data are separate. Further, the cited art fails to teach where the event information includes an XML template. Applicants submit that the addition of claims 47-49 add no new matter.

Summary

In view of the above, the Examiner's objections and rejections are believed to have been overcome, placing the pending claims in condition for allowance and reconsideration and allowance thereof is respectfully requested.

Applicant(s) hereby petition(s) for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3735.

-17-

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'James J. Livingston, Jr.', is written over a horizontal line.

James J. Livingston, Jr., Esq.  
Attorney for Applicants  
Registration No.: 55,394  
Chapin Intellectual Property Law, LLC  
Westborough Office Park  
1700 West Park Drive  
Westborough, Massachusetts 01581  
Telephone: (508) 616-9660  
Facsimile: (508) 616-9661

Attorney Docket No.: CIS01-06(4183)

Dated: September 5, 2007